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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,820	10/19/2001	Patrice Onno	1807.1864	7592

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EXAMINER

ROSARIO, DENNIS

ART UNIT PAPER NUMBER

2621

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/981,820

Applicant(s)

ONNO, PATRICE

Examiner

Dennis Rosario

Art Unit

2621

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): Claims 3-18, 20-32 and 34-41.

6. ☒ Newly proposed or amended claim(s) 3-18, 20-32 and 34-41 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 3-18, 20-32 and 34-41.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 2, 19 and 33.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☒ Other: See attached DETAILED ACTION.

JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment was received on 10/21/2005. Claims 1-41 are pending.

### ***Claim Objections***

2. Due to the amendment, the objection to claims 17,30 and 31 is withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. Due to the amendment, the rejection to claims 36-39 is withdrawn.

### ***Response to Arguments***

4. Applicant's arguments on page 19 filed 10/21/2005 have been fully considered but they are not persuasive and states in pertinent part, "...the splits of... coefficients... corresponds to a modification of a determined subset of samples...is made before the encoding of the data...and not on a coded digital image as recited in the method of claim 1."

However, the examiner respectfully disagrees, since a coding or encoding operation is performed as shown in fig. 14, num. 1404 and subsequently the above mentioned splits is performed in fig. 14, num. 1406 that splits or modifies the coded result of fig. 14, num. 1404. In addition, another coding operation is shown 14, num. 1412 and a subsequent modification or the above mentioned splits is performed in fig. 14, num. 1414.

5. Regarding page 19, lines 8-11 and states, "Furthermore, the deciding step of Claim 1, of deciding whether or not to modify a determined subset of samples, is a function of an obtained number of samples of a predetermined type. Applicant has found no teaching or suggestion of this feature in the cited portion of Dekel et al."

However upon further consideration, the examiner respectfully disagrees, since Dekel et al. discloses the deciding step of Claim 1 (as shown in fig. 14, num. 1412 which performs an operation depending on a set of conditions in col. 11, lines 40-45.), of deciding whether or not to modify (or encode using fig. 14, num. 1412 based on the set of conditions) a determined subset of samples (or encode a determined subset of samples or "subgroup" in col. 11, line 32 using fig. 14, num. 1412 based on the set of conditions), is a function of an obtained number (fig. 14, num. 1412 is a function of an obtained number of subgroups: "fourth subgroup...three subgroups... [and] four subgroups" in col. 11, lines 42-44) of samples of a predetermined type (fig. 14, num. 1412 is a function of an obtained number of subgroups: "fourth subgroup...three subgroups... [and] four subgroups" in col. 11, lines 42-44 of samples of a predetermined type or "subgroup[s]...labeled Type4" in col. 11, lines 32,33.).

Since the responses to the arguments are in reference to claim 1 and similarly to claim 19 and upon further consideration, independent claims 3,16,20 and 30 overcome the response to the arguments because claims 3,16,20 and 30 require the limitation of deciding whether or not to modify the size of the located subset according to the determined number of coefficients or samples. Dekel et al. does modify the size of a subset, but the decision of whether or not to modify is not based on a number of samples, instead the decision of whether or not to modify the size is based on a threshold, "b" in col. 11, line 22 and a "group" in col. 11, line 22 of "16" as shown in an equation in col. 11, line 20. It is not clear whether the number 16 influences the decision of whether or not to modify the size. It appears that a maximum magnitude of any one (coefficient) of the 16 (coefficients) in the equation of col. 11, line 20 influences the decision of whether or not to modify the size.

6. Thus, Applicant's arguments, see page 19, lines 8-11 and states, "Furthermore, the deciding step of Claim 1, of deciding whether or not to modify a determined subset of samples, is a function of an obtained number of samples of a predetermined type. Applicant has found no teaching or suggestion of this feature in the cited portion of Dekel et al.", filed 10/21/2005, with respect to claims 3,16,20 and 30 have been fully considered and are persuasive with respect to claims 3,16,20 and 30.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 6-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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